

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING AMENDED RULES OF COURT PRACTICE  
AND PROCEDURE FOR THE 2ND JUDICIAL CIRCUIT, FAMILY  
COURT DIVISION, McCRACKEN COUNTY – AMENDING CHILD  
VISITATION SCHEDULE, APPENDIX 2**

Upon recommendation of the Judges of the 2nd Judicial Circuit, and  
being otherwise sufficiently advised,

The Amended Rules of Court Practice and Procedure for the 2nd Judicial  
Circuit, Family Court Division, McCracken County, amending Child Visitation  
Schedule, Appendix 2, are hereby approved. This order shall be effective as of  
the date of this Order, and shall remain in effect until further orders of this  
court.

Entered this the 5<sup>th</sup> day of June 2012.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

**RULES OF COURT  
PRACTICE AND PROCEDURE  
COMMONWEALTH OF KENTUCKY**

**SECOND JUDICIAL CIRCUIT COURT  
McCRACKEN COUNTY  
FAMILY COURT DIVISION**

**WEBSITE**

**<http://courts.ky.gov/circuitcourt/familycourt/sites/mccracken.htm>**

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**FAMILY COURT RULES  
OF THE SECOND JUDICIAL CIRCUIT  
(FCRP2)**

**RULE 1     INTRODUCTION**

**101     Introduction**

These are the Rules of Practice of the Second Circuit (McCracken County) Family Court (hereinafter referred to as "Family Court"). These Rules supplement the Kentucky Rules of Civil Procedure, the Kentucky Rules of Criminal Procedure and the Family Court Rules of Procedure and Practice (FCRPP). All previous rules adopted by the McCracken Family Court are hereby rescinded.

**102     Effective Date**

The effective date of these Rules shall be thirty (30) days after Kentucky Supreme Court approval.

**103     Citation**

These Rules shall be cited as FCRP2 (Family Court Rules of Procedure).

**104     Holidays**

Family Court shall adhere to the list of Court Holidays as set out by the Administrative Office of the Courts.

**105     Family Court Case Data Information Sheet**

All cases filed or reopened in Family Court shall, with the filing of any petition or motion (in the case of a reopening), complete an AOC-FC-3 Family Court Case Data Information Sheet, which may be obtained in the Circuit Court Clerk's Office.

**RULE 2     COURT SCHEDULING/ MOTION HOUR / PROCEDURES  
FOR FILING**

**201     Schedule**

The following is the hearing schedule for cases before the Family Court.

MONDAY	Domestic Relations Hearings / Trials and lengthy hearings
TUESDAY	9:00     Paternity Court (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , and 4 <sup>th</sup> Tuesdays)
	1:30     Domestic Relations Motion Hour

WEDNESDAY      8:30    Domestic Violence Counseling Reviews (1<sup>st</sup> and 3<sup>rd</sup>)  
                     9:00    Domestic Violence Court  
                     1:30    Circuit Court Civil Rules (1<sup>st</sup> Wednesday)  
                     1:30    Child Support Hearings (2nd Wednesday)

THURSDAY      8:30    Dependency, Abuse & Neglect (1<sup>st</sup> and 3<sup>rd</sup>)  
                     8:30    Juvenile Status Offenses (2<sup>nd</sup> and 4<sup>th</sup>)

FRIDAY            Domestic Relations Hearings / Trials and lengthy hearings

Other hearings may be scheduled around regularly scheduled dockets and Motion Hour.

Adoptions and Terminations of Parental Rights hearings may be scheduled by calling the Family Court Judge's Office.

Temporary Removal Hearings (72 hour hearings) and emergency status hearings shall be scheduled for 1:00 p.m. Monday through Friday to accommodate the time requirements.

## **202    Filing of Motions**

Except for Domestic Relations (CI) actions, all Motions shall be filed and served no later than 4:30 p.m. three business days preceding the appropriate docket.

## **203    Service of Motions**

Unless otherwise specifically provided, service of motions and notice of hearings shall be made in conformity of CR 5.02. Proof of service shall be made by "Certificate of Service" setting forth proof of the time and manner of service, to whom was service made and signed by the person making the service and filed of record **before** any action is taken on the motion.

# **RULE 3      ADOPTIONS/TERMINATION OF PARENTAL RIGHTS**

## **301    Pretrial conferences -involuntary termination of parental rights**

With regard to FCRPP 34(1), the pretrial conference required for involuntary termination of parental rights cases may be conducted in the companion DNA action (if such exists).

## **302    Appointment of GAL and parents' attorney**

In all Termination of Parental Rights actions filed by the Cabinet arising from the removal of the child in a Dependency Neglect or Abuse action in this county, the clerk shall appoint the same attorney for the child as was appointed in the DNA action. Likewise, the clerk shall appoint the same attorney as appointed in the DNA action for the parent, if the parent requests and qualifies for appointed counsel.

### **303 Adoption Records**

Within 30 days of the entry of the final order in an adoption case, the Clerk shall place all papers and records in a suitable envelope which shall be sealed. The Clerk or Deputy Clerks are permitted to unseal and open an adoption file only for such reasons as are necessary in the performance of their duties as custodians of the records and may furnish certified copies of the Findings, Conclusions and Order of Adoption to the adoptive parents, however, the records shall not be opened for inspection by any other person except on written order of the court.

## **RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY**

### **401 Domestic Violence Protocol and 24 Hour Access Policy**

The Uniform Protocol for handling Domestic Violence Cases for the Second Judicial Circuit is incorporated herein by reference as if copied and set forth verbatim, attached as Appendix 1.

### **402 Motions**

Motions for Domestic Violence actions shall be noticed for the beginning of the appropriate and regularly scheduled docket.

### **403 Amendments to Domestic Violence Orders**

Any amendment to a Domestic Violence Order shall be set forth in the proper state approved AOC form(s) which are available in the Circuit Clerk's Office.

## **RULE 5 PATERNITY**

### **501 Motions**

Motions for Paternity actions shall be noticed for the beginning of the appropriate and regularly scheduled docket.

Motions for custody and child support, including modifications thereof, must strictly comply with statutory and rule requirements before a hearing will be granted.

### **502 Reopening fees**

Motions to modify regarding support, custody or visitation brought by a private attorney or filed by a party pro se, shall be assessed a reopening fee of \$50.00, regardless of whether the original action was filed without costs under Title IV-D, unless the motion is brought in forma pauperis.

## **RULE 6     DEPENDENCY NEGLECT AND ABUSE**

### **601     Filing of Motion / Scheduling Hearing**

Prior to filing a (non-emergency) motion for the Dependency, Neglect and Abuse docket, a court date and time must be obtained from a member of the Family Court staff.

Service of the motion and notice of hearing shall be made by the County attorney when the Cabinet is the moving party.

### **602     County attorney to assist non-Cabinet Petitioners**

In any non-Cabinet Petition seeking emergency custody of a minor child, the Petitioner may seek the assistance from the County Attorney's Office before filing of the action.

### **603     Filing after hours Emergency Orders**

Pursuant to FCRPP 19(3)(a), all Orders for Emergency Custody received after normal business hours shall be filed with the Clerk of the court by noon on the next business day.

### **604     Attorney Appointment List**

The Court shall establish a list of attorneys for purposes of appointing counsel for the child (GAL) and attorney for the parent(s). Any attorney requesting to be placed on the list shall complete GAL training available through AOC. At any time that the Court finds that the GAL or parent's attorney is not effectively performing his or her duties in representing their client the Court may order the attorney removed from the list for appointment.

### **605     Dispositional Reports**

The Dispositional reports required under FCRPP 28 shall be provided to all counsel of record at least two (2) business days prior to the hearing. It shall be sufficient to fax, e-mail or hand deliver the reports to counsel.

## **RULE 7     DOMESTIC RELATIONS PRACTICE**

### **701     Motion Hour Practice**

A. All motions to be heard on the Domestic Relations Docket on Tuesday at 1:30 p.m. shall be limited to Circuit Court (CI) filings. The motion shall be filed by 4:30 p.m. the Wednesday prior to the Tuesday motion docket. Motions filed after the deadline shall be automatically passed to the next Motion Hour. No evidence will be received at Motion hour except the statutory proof necessary for a Decree of Dissolution. Legal arguments on Motions shall be limited to motions for entry of interlocutory decree, and arguments taking less than five (5) minutes (2.5 minutes per side). Otherwise a separate hearing will be scheduled. Uncontested dissolution actions shall be noticed for



Motion Hour, however, time permitting, the Court will approve and sign for entry the Decree prior to the docket call, unless a deficiency(s) exists.

B. In compliance with FCRPP Rule 2(8), a hearing on the *Ex Parte* Motion for Child Support shall be set for the next Motion Hour following the signing of the *Ex Parte* Child Support Order.

C. Motions brought by the Division of Child Support in "CF" actions for establishment, modification or enforcement, including contempt, shall not be placed on the Tuesday Motion hour docket, but instead, shall be placed on the 2nd Wednesday 1:30 docket and shall be heard in full at that time unless a continuance is granted for good cause. Good cause shall include an opportunity to obtain counsel or have counsel appointed in Contempt actions.

#### **702 Families In Transition**

In any divorce action involving minor children, counsel for the Petitioner or a Pro Se Petitioner shall file a Notice of Dissolution with Minor Children with the clerk and shall send a copy to the Family Court Case Specialist at 301 S. 6<sup>th</sup> St., Paducah, KY 42003.

Families involved in a divorce proceeding where there are minor children may be ordered to participate in the Families In Transition program. Information regarding the Families In Transition Program can be obtained at the Family Court Case Specialist's Office.

Failure to Attend. Unless attendance is waived for good cause shown, if court ordered, failure to attend the Families In Transition Program shall result in delay of the court action, imposition of costs and/or attorney's fees, and/or any other appropriate sanction, including contempt.

#### **703 Case Management Conference / Settlement Conference**

Notwithstanding the provisions of FCRPP 2(6), whenever the Court grants an Interlocutory Decree of Dissolution of Marriage, a case management conference shall be scheduled. Prior to the Case Management Conference the parties shall have an extrajudicial settlement conference to attempt to settle and identify issues. Counsel for the parties shall submit a settlement conference report to the Court prior to the Case Management Conference outlining any agreements and items remaining in dispute.

#### **704 Mediation**

A. The Family Court Judge may, by appropriate order, refer any case to mediation with or without the consent of the parties except in cases when a domestic violence order is in effect. Mediation may be ordered at any time during the proceeding. Cases shall be referred to a Court-approved mediator unless the parties agree to the use of another mediator who must have the same qualifications as one on the court-approved list of providers.

B. Except as otherwise provided by this rule or ordered by the Court for good cause shown, all mediation documents and mediation communications are confidential and shall not be disclosed. Mediation documents and communications are not subject to

disclosure through discovery or any other process, and are not admissible into evidence in any judicial proceeding. An exception to this rule is that the mediator shall be responsible for reporting abuse according to KRS 209.030 and KRS 620.030.

C. If a case is settled prior to or during mediation, an attorney for one of the parties shall prepare and submit to the Court an order reflecting the fact of settlement as in any other case. If some, but not all, of the issues in the case are settled during mediation or if agreements are reached to limit discovery or on any other matter, the parties shall submit a joint statement to the Court enumerating the issues that have been resolved and the issues that remain for trial. This statement shall be submitted within ten (10) days of the termination of mediation.

#### **705 Closing actions**

In any bifurcated dissolution of marriage action the final order resolving any remaining issues shall be designated as "Final Supplemental Decree". The clerk shall close any action wherein a Final Supplemental Decree is filed.

### **RULE 8 STATUS OFFENSES**

#### **801 Status Offense Hearings / Runaway Hearings**

Emergency Status Offense Hearings / Runaway Hearings shall routinely be scheduled at 1:00 p.m. Monday – Friday (excluding holidays and weekends).

#### **802 Filing of Motion / Scheduling Hearing**

Motions for Status actions shall be noticed for the beginning of the appropriate and regularly scheduled docket.

### **RULE 9 MISCELLANEOUS**

#### **901 Appearances, Waivers and Agreements**

Any unrepresented party who signs and acknowledges an appearance and waiver shall do so before a notary or deputy clerk. All agreements and agreed orders shall contain a proper clerk's certificate with the correct mailing addresses for the attorneys or parties if not represented by counsel unless the party has an active Emergency Protective Order or Domestic Violence Order against the opposing party. If there is an active EPO or DVO then the address of the protected party shall be supplied to the clerk on a separate paper so that the protected party may receive their copy.

#### **902 Child Support Payments**

All child support payments shall be directed to be paid through the Division of Child Support.

**903 Reopening Fee**

With regard to FCRPP3 (6) the reopening fee does not apply to Motions for Contempt/Motions for Rule. However, any Motion for Contempt (or Rule) which is used to disguise other relief will be assessed a \$50.00 reopening fee if the Court determines that the motion is an attempt to circumvent the payment of a reopening fee.

**904 Medical and Daycare Expenses**

All orders setting forth a percentage for reimbursement of daycare or uninsured medical expenses shall include a specific provision for giving notice to the payor requesting reimbursement of the expenses and a specific provision for how and when reimbursement is to be paid.

**905 Identification of Counsel or Party Required**

Every pleading, motion and any other paper filed in the record by counsel or party shall contain the printed name, address, telephone number, fax number and e-mail address, if fax and e-mail are available, of the attorney or party signing the paper. A rubber stamp shall not be deemed a signature either under this rule or CR 11.

**906 Video Copies of In-Chamber Interviews with Children**

Pursuant to FCRPP 17, the Circuit Court Clerk's Office shall not release any Family Court video in-chamber interviews with children without a specific written order of the Family Court Judge. An individual requesting a judicial order must provide the Family Court Judge a written explanation for the request which specifically indicates the portion of the video record being requested is an in-chamber interview with a child and specific purpose of the request.

**907 Personal Identifiers**

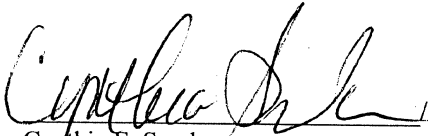
A. The Family Court Case Data Sheet must be fully completed in all cases. In addition, all pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph B below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. The clerk of the court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court.

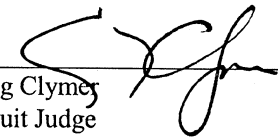
As used in this section, "personal identifier" means a Social Security number or tax-payer identification number, date of birth, or financial account number.

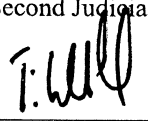
B. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not be redacted, and any access to those files shall be governed by KRS 199.570, KRS 610.340, KRS 625.045 and KRS 625.108.

#### **908 Child Visitation Guidelines**

Visitation with minor child(ren) may be awarded in accordance with McCracken County Standard Visitation Schedule (attached hereto as Appendix 2. The schedules are guidelines for the parents and the Court in establishing time-sharing /visitation that is in the best interest of the family. The guidelines will not serve as a default. The parties may agree without a hearing to any schedule so long as it serves the best interest of the children.

 /Date 3-15-12  
Cyrrhia E. Sanderson  
Family Court Judge  
Second Judicial Circuit

 /Date 3-16-12  
Craig Clymer  
Circuit Judge  
Second Judicial Circuit

 /Date 3-16-12  
Tim Kaltenbach  
Circuit Judge  
Second Judicial Circuit

## **APPENDIX 1**

### **TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL**

#### **SECOND JUDICIAL CIRCUIT AND DISTRICT**

#### **MCCRACKEN COUNTY**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Rule 4, this local domestic violence protocol is established to ensure twenty-four (24) hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

#### **I. Uniform Protocol for Handling Cases**

A. All domestic violence cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.

B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.

C. The County does not have a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.

D. Domestic violence cases may be reassigned or transferred to another circuit when there exists a pending dissolution or custody matter in another circuit court in Kentucky. In the event a domestic violence case is transferred to another circuit prior to a domestic violence protective order being entered, the emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740 (4), for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

#### **II. Twenty-four Hour Accessibility**

A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

1. The Circuit Court Clerk of McCracken County and any of their sworn deputy clerks; and
2. The County Attorney of McCracken County and any Assistant County Attorneys.

B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours of the Circuit Court Clerk in the county where the petition is being filed:

1. The Circuit Clerk of McCracken County, and all of their sworn deputies;
2. The Sheriff of McCracken County and all other sworn deputies and dispatchers;
3. The Jailer of McCracken County and all of their sworn deputies;
4. The County Attorney of McCracken County and any Assistant County Attorney;
5. The Chief of Police for the city of Paducah and any other incorporated city in McCracken County and all sworn officers and dispatchers within their departments;
6. Any Kentucky State Police Officer found in McCracken County.

C. The individual taking the petition should review it for completeness prior to swearing the petition.

D. Upon receipt of a petition **during** regular business hours of the Circuit Court Clerk in the county where the petition is being filed, the authorized agency/officer shall present the petition to a District Judge, if one is available. In the event that neither District Judge is available, the petition shall be presented to the Family Court Judge and then to either Circuit Judge of general jurisdiction for the Second Judicial Circuit if the Family Court Judge is unavailable.

E. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to a McCracken District Court Judge, and if not available, the McCracken Family Court Judge, and if not available, a McCracken Circuit Judge of general jurisdiction.

F. Petitions will be reviewed within an hour of presentation to a judge unless it is impossible due to the unavailability of a judge.

G. The schedule for domestic violence hearings is as follows:

Wednesday at 9:00 a.m.

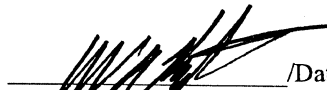
### **III. Contempt Proceedings**

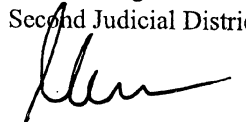
A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order shall be mutually exclusive.


B. Petitioners seeking to initiate contempt proceedings should contact the Circuit Court Clerk's Office or the County Attorney's office in the county where the Emergency Protective Order or Domestic Violence Order was issued.

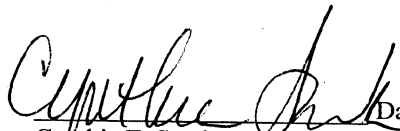
C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing.

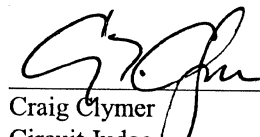
The above protocol is adopted by all judges in the circuit/district.

 /Date 3/21/12  
Anthony Kitchen  
District Judge  
Second Judicial District

 /Date 3/20/12  
Chris Hollowell  
District Judge  
Second Judicial District

 /Date 3-16-12  
Tim Kaltenbach  
Circuit Judge  
Second Judicial Circuit

 /Date 3-15-12  
Cynthia E. Sanderson  
Family Court Judge  
Second Judicial Circuit

 /Date 3-16-12  
Craig Clymer  
Circuit Judge  
Second Judicial Circuit

**APPENDIX 2**  
**MCCRACKEN COUNTY FAMILY COURT**  
**STANDARD VISITATION GUIDELINES**

The following are suggested **guidelines** for the parents and the court in establishing time-sharing/visitation schedules. Each case will present unique facts or circumstances which shall be considered by the court in establishing a time-sharing/visitation schedule and the **final schedule established by the court or agreed to by the parents may or may not be what these guidelines suggest.**

ALTERNATE WEEKENDS AND ALTERNATE THURSDAYS: During the months of August through May the non-residential parent shall have visitation on alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and Thursday evenings following the weekend visitation from 5:30 p.m. until 8:00 p.m.

SUMMER

FOR CHILDREN LESS THAN ONE (1) YEAR OLD: For children less than one (1) year old, the alternate weekends and alternate Thursdays visitation shall continue during the months of June and July, and in addition, the non-residential parent shall have three (3) days in June, which shall be added to that parent's first alternate weekend in June, and three (3) days in July, which shall be added to that parent's first alternate weekend in July.

FOR CHILDREN ONE (1) AND TWO (2) YEARS OLD: For children ages 1 and 2, the non-residential parent shall have visitation beginning on the first Saturday in June beginning at 8:00 a.m. and ending the following Saturday at 8:00 a.m.; on the third Saturday in June beginning at 8:00 a.m. and ending the following Saturday at 8:00 a.m.; on the first Saturday in July beginning at 8:00 a.m. and ending the following Saturday at 8:00 a.m.; and on the third Saturday in July beginning at 8:00 a.m. and ending the following Saturday at 8:00 a.m. The non-residential parent shall not have alternate weekend visitations or alternate Thursday evening visitations during the months of June and July.

FOR CHILDREN THREE (3) YEARS AND OLDER: For children three (3) years and older, provided the child has his or her third birthday before June 1, the non-residential parent shall have the following visitation: June 10<sup>th</sup> beginning at 8:00 a.m. and ending June 26<sup>th</sup> at 8:00 p.m.; and July 10 beginning at 8:00 a.m. and ending July 26<sup>th</sup> at 8:00 p.m. The non-residential parent shall not have alternate weekend visitations or alternate Thursday evening visitations during the months of June and July. The residential parent shall not schedule camps or other activities during the non-residential parent's periods of summer visitation without the express permission of the non-residential parent. If the child's third birthday is June 2 or after then the visitation for children three (3) years and older shall not begin until the following year. This visitation shall take place each year until the child becomes eighteen years of age.

HOLIDAYS

CHRISTMAS: Christmas is to be alternated with the residential parent having the odd numbered years until 1:00 p.m. on Christmas Day, and the non-residential parent having the child from 1:00 p.m. on Christmas Day until 6:00 p.m. on New Year's Day. In even numbered years the non-residential parent shall have the child from 5:00 p.m. on the day school lets out for the break until Christmas Day at 1:00 p.m.

THANKSGIVING: In odd numbered years, the Father shall have the child for the Thanksgiving holiday. That holiday shall be defined at beginning on the last day of the child's school before Thanksgiving at 5:00 p.m. and ending at 6:00 p.m. on the following Sunday. In even numbered years the Mother shall have the child for the Thanksgiving holiday as described herein.



MOTHER'S DAY AND FATHER'S DAY: On Mother's Day and Father's Day, regardless of who has the scheduled visitation, the child shall be with the appropriate parent from 9:00 a.m. until 9:00 p.m.

ADDITIONAL HOLIDAYS TO BE DIVIDED: For purpose of visitation, there are six (6) additional holidays that shall be divided between the parents:

- |                         |                           |
|-------------------------|---------------------------|
| 1. Presidents' Day      | 2. Martin Luther King Day |
| 3. Easter*              | 4. Memorial Day           |
| 5. July 4 <sup>th</sup> | 6. Labor Day              |

In odd numbered years, the residential parent shall have the child on the odd numbered holidays (left column) and the non-residential parent shall have visitation on the even numbered holidays (right column). In the even numbered years, the non-residential parent shall have the child on the odd numbered holidays (left column) and the residential parent the even numbered holidays (right column). Visitation will be from 9:00 a.m. until 9:00 p.m. unless the non-residential parent has the prior weekend, and the holiday period is the following Monday. In that case, the non-residential parent shall keep the child for his or her weekend straight through until 9:00 p.m. at the end of the Monday holiday. In the event the holiday is a school day, then the visitation shall be from 5:00 p.m. until 9:00 p.m.

\*Should Easter fall during the spring break, the parent with the spring break visitation shall have the child for the Easter holiday.

**ALL HOLIDAY VISITATION SHALL TAKE PRECEDENCE OVER REGULAR ALTERNATING VISITATION PERIODS, BUT THE PATTERN OF ALTERNATION SHALL REMAIN THE SAME.**

SCHOOL BREAKS: The parties will alternate spring break to begin at 5:00 p.m. on the last day of school, and end at 6:00 p.m. on the Sunday before school resumes. The mother will have spring break in every even numbered year and the father will have spring break every odd numbered year. If there is a fall break of one (1) week the parties will alternate fall break to begin at 5:00 p.m. on the last day of school, and end at 6:00 p.m. on the Sunday before school resumes. The mother will have the one-week fall break in every odd numbered year and the father will have the one-week fall break in every even numbered year. In the event fall break is for a two (2) week period, the mother shall have the first week of fall break and the father shall have the second week of fall break, with all periods of visitation to end at 6:00 p.m. on Sunday.

**ALL SCHOOL BREAK VISITATION SHALL TAKE PREDEDENCE OVER REGULAR ALTERNATING VISITATION PERIODS, BUT THE PATTERN OF ALTERNATION SHALL REMAIN THE SAME.**

CHILD'S BIRTHDAY: In even numbered years, the child and any siblings shall spend his/her birthday with the mother from 4:00 p.m. until 9:00 p.m. In the even numbered years, the father shall have the child and any siblings from 4:00 p.m. until 9:00 p.m. either the day before or the day after the child's actual birthday. In odd numbered years, the child and any siblings shall spend his/her birthday with the father from 4:00 p.m. until 9:00 p.m. In odd numbered years, the mother shall have the child and any siblings from 4:00 p.m. until 9:00 p.m. either the day before or the day after the child's actual birthday.  
**BIRTHDAYS SHALL TAKE PREDEDENCE OVER ALL OTHER VISITATION PERIODS.**

GENERAL RULES:

In the event the non-custodial (non-residential) parent is thirty (30) minutes late for any period of visitation, the visitation may be forfeited.

The custodial (residential) parent has the right to refuse visitation if the non-custodial (non-residential) parent is under the influence of alcohol, drugs or any other intoxicant.

As provided in KRS 189.125(2) both parents must secure the child or children in an approved child restraint system whenever transporting the child or children.

Whenever this Standard Visitation Schedule is ordered by the Court, the custodial (residential) parent is encouraged to allow additional visitation to the non-custodial (non-residential) parent when it would serve the best interest of the child. The custodial (residential) parent is directed to take all actions necessary to accommodate and encourage visitation with the non-custodial (non-residential) parent.

The above references to school schedules (spring and fall break, Thanksgiving, Christmas and Easter) shall apply to children not yet of school age as well as those actually attending school.

MAIL AND TELEPHONE CONTACT: Both parties shall be allowed to contact the children freely by mail and by telephone at all reasonable times, except in those cases with a Domestic Violence Order in place.